IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 75338-M of 2006

DATE OF DECISION : 29.01.2007

Raj Kumar

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Jatinder Jit Kaur, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Raj Kumar, apprehending his arrest in a non-bailable offence in case FIR No. 219 dated 28.10.2006 under Section 420 IPC, registered at Police Station Division No.7, Ludhiana, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 22.11.2006, passed by Additional Sessions Judge, Ludhiana, whereby bail application of the petitioner has been dismissed.

While issuing notice of motion on 1.12.2006, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

Counsel for the petitioner contends that the aforesaid FIR has been lodged on false facts at the instance of ASI against whom the petitioner had lodged complaint to the Human Rights Commission. She further contends that an identical FIR i.e. FIR No. 218 dated 28.10.2006 under Section 420 IPC was registered at Police Station Division No.7,

Ludhiana, in which the petitioner has already been granted anticipatory bail by this court vide separate order of even date.

Counsel for the petitioner further states that in terms of the interim order dated 1.12.2006, the petitioner has joined the investigation. The State counsel, after having instructions from Avtar Singh ASI does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated 1.12.2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

January 29, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**